IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

NOTICE OF MOTION NO.2005 OF 2005

IN

SUMMARY SUIT NO.39 OF 1980

...

The Fuji Fire & Marine Insurance Co.Ltd. ...Plaintiff

v/s.

M/s.Hind Shipping Agencies & ors...Respondents

...

Mr.S.M.Oak with Mr.Suhas Aarkar for the Plaintiff.

Ms.J.Mitra with Ms.N.S.Samnani i/b Bhatt & Saldhana for Defendants Nos. 1 & 3.

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CORAM: D.K.DESHMUKH, J.

DATED: 2ND FEBRUARY,2007

P.C.:

1. Heard the learned Counsel appearing for both sides. Though the reason that has been given in the affidavit filed in support of the motion and the additional affidavit by no stretch of imagination be called sufficient cause, but because it is the suit of the Plaintiff, which has been dismissed for default when it was pending in the court for a very long time and because the Plaintiff is willing to pay the substantial costs to the Defendant, in my opinion, the motion deserves to be granted. Motion is, therefore, granted in terms of prayer clause (a), subject to payment of costs of this motion by the Plaintiff to the Defendant. Costs are quantified at Rs.10,000/- payable within eight weeks.

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